



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

#### **Board Members**

Andrew Kunasek, District 3, Chairman  
Max Wilson, District 4, Vice Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Mary Rose Wilcox, District 5

#### **County Manager**

David Smith

#### **Clerk of the Board**

Fran McCarroll

#### **Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

# **FORMAL MEETING MINUTES**

## **BOARD OF SUPERVISORS Maricopa County, Arizona**

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, August 20, 2008  
9:00 AM**

### **FLOOD CONTROL DISTRICT AGENDA**

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, August 20, 2008, in the Supervisors Auditorium with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1; Max Wilson, District 4; Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney.

**F-1. MINUTES**

Approve the minutes of the Board of Directors' meetings held March 26, 2008; May 21, 2008; and June 2, 2008. (C-06-09-054-7-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-2. INTERGOVERNMENTAL AGREEMENT FOR AGUA FRIA BOULEVARD (HAPPY VALLEY ROAD) SCOUR PROTECTION PROJECT**

Approve Inter- Governmental Agreement FCD 2008A007 with the Maricopa County Department of Transportation (MCDOT) to cost share the preliminary engineering design (Project Design Concept) of the Agua Fria Boulevard (Happy Valley Road) Scour Protection Project.

Following construction of the Agua Fria Boulevard bridge, MCDOT discovered potential flaws in three bridge piers which could threaten the integrity of the bridge when subjected to flood scour. In response, MCDOT designed riprap pier scour protection (est. cost: \$500,000). The Agua Fria Watercourse Master Plan – Channelization Alternative identifies a drop/grade control structure at the Agua Fria Boulevard bridge (est. cost: \$2,000,000). Recognizing the drop/grade control structure would render their scour protection a “throw away,” MCDOT submitted the drop/grade control structure project to the Districts FY 2008 CIP Prioritization Procedure, and the project was recommended. MCDOT is also developing a Design Concept Report for the proposed Deer Valley Road bridge, about 2 miles downstream of Agua Fria Boulevard. The Board of Directors’ adoption of the Channelization Alternative in July 2005 (Agenda Item: C-69-05-121-6-00) authorized and directed the Chief Engineer and General Manager to negotiate agreements to implement portions of the Channelization Alternative. The agreement allows MCDOT and FCD to cost share a design study for the drop/grade control structure and related channelization between Agua Fria Boulevard and Deer Valley Road. The study will refine the design concept and cost estimate of the drop/grade control structure to protect the Agua Fria Boulevard bridge, establish the northern end of a channel segment at a logical starting point and facilitate economical construction of the Deer Valley Road bridge. This Project is located in District 4. (C-69-09-005-3-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**NOTE: The following two items were misnumbered on the agenda and this error was maintained in the Minutes.**

**F-4. SELL EXCESS PARCELS**

Authorize the Flood Control District of Maricopa County (District) to sell excess parcels beginning in FY 2008-09. The District will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The sale price will be market value, to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at market value without an auction. If an auction takes place, District staff will sell the parcel in compliance with A.R.S. §9-402, which mandates that an invitation for bid be published for the sale of all real property. Parcels APN 171-53-027 (FP032) and APN 503-36-013G (FP024)

These two properties were acquired through the Floodprone Properties Acquisition Program (FPAP) by the District in 2005. Portions of both vacant parcels are located in floodplains and floodways that will impact any improvements that are placed on them. Prospective buyers of the properties have been advised to seek input from the appropriate governmental agencies about the possibility of constructing improvements on the subject properties. Disposition of both properties will relieve the District of landscaping maintenance and dust control responsibilities. Property located in Supervisorial Districts 3 and 4. APN 171-53-027 (FP032) – Vacant land totaling 0.39 +/- acres APN 503-36-013G (FP024) – Vacant land totaling 4.3 +/- acres. (C-69-09-004-8-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-3. RESOLUTION FOR THE DURANGO REGIONAL CONVEYANCE CHANNEL-75TH TO 107TH AVENUES**

Adopt Resolution FCD2008R007 for the Durango Regional Conveyance Channel, from 75th Avenue to 107th Avenue (the Project). The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to develop and negotiate Intergovernmental Agreements (IGAs) and Agreements for cost sharing, design, construction, construction management, rights-of-way acquisition, and operations and maintenance; to perform designs; to acquire rights-of-way; and to program Project funding in the District's Capital Improvement Program, subject to the approval of the Board.

The Durango Area Drainage Master Plan evaluated and developed solutions to mitigate flooding hazards in the Durango drainage area. This study recommended a regional channel and basin (the Durango Regional Conveyance Channel) near the Buckeye Feeder Tailwater Ditch, to intercept storm water flows and provide an outfall to the Agua Fria River. This portion of the Durango Regional Conveyance Channel is located between 75th Avenue and 107th Avenue, and between Lower Buckeye Road and Broadway Road. Upon full implementation of the Durango Regional Conveyance Channel, the proposed Project will reduce the flooding hazards and provide for 100-year outfall in the Durango drainage area. The Project was requested by the City of Avondale under the FY 2002/2003 Capital Improvement Program Prioritization Procedure, and was recommended by the Flood Control Advisory Board (FCAB) for inclusion in the District's Capital Improvement Program. On June 26, 2008 the Resolution was endorsed by the FCAB. This agenda item impacts Supervisorial District 5. (C-69-09-006-6-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-5. IGA WITH THE TOWN OF QUEEN CREEK FOR SONOQUI WASH CHANNELIZATION PHASE II**

Approve Intergovernmental Agreement (IGA) FCD 2008A008, between the Flood Control District of Maricopa County and the Town of Queen Creek for the cost-sharing of design and utility relocation for the Sonoqui Wash Channelization, Phase II [Project (#480)]. The design and utility relocation for the Project is estimated to cost \$1,200,000. The District and the Town will be sharing this cost equally (50/50).

The Board of Directors of the District approved Resolution FCD 2001R001 on March 21, 2001 (C-69-01-061-6-00), which authorized the District to enter into IGAs with the stakeholders for the Sonoqui Wash Channelization Project. The Phase I of the Sonoqui Wash Channelization from its confluence with Queen Creek Wash to Chandler Heights Road was recently constructed by the District in cooperation with Towns of Gilbert and Queen Creek. The Phase II of the Sonoqui Wash Channelization includes a similar channel starting from Chandler Heights Road southeast to Riggs Road and from Hawes Road east to Crismon Road. The total length of the Project will be approximately 3.5 miles. The Project is anticipated to be designed as an earthen channel with meandering side slopes (4:1 to 8:1), 50' bottom width and depth ranging from 5' to 8' and multi-use features such as an equestrian trail and pedestrian trails. The existing wash corridor contains approximately 71 acres of land and 68 properties within a Federal Emergency Management Agency (FEMA) designated floodplain. Once the Project is constructed, all of the surrounding land will be out of the floodplain. It is anticipated that the Project will be operated and maintained by the Town once it is completed. This Agenda Item impacts Supervisorial District 1. (C-69-09-008-3-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-6. AMENDMENT TO AGREEMENT WITH U.S. DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION - EL RIO EDUCATION RESEARCH AND DEVELOPMENT PROJECT**

Approve Amendment No. 1 to an Agreement between U.S. Department of Interior Bureau of Reclamation (#05FC320380) and Maricopa County through the Flood Control District in the not-to-exceed amount of \$35,000. The purpose of this amendment is to reflect an increase of Reclamation's direct project contribution from \$202,526 to \$237,526. This amendment is effective from September 1, 2008 to September 30, 2010. All other terms and conditions of the Agreement remain in full force and effect.

Salt cedar, also known as tamarisk, is an invasive exotic species growing throughout the Gila River in the El Rio Watercourse Master Plan (El Rio WCMP) study area. Removing salt cedar from the Gila River could improve the conveyance capacity for storm water and reduce the size of the current 100-year floodplain. Removal of salt cedar or other vegetation within Waters of the United States (WUS) is considered a regulated activity and requires a Clean Water Act (CWA) Section 404 permit. Although salt cedar can hinder flood flows, the salt cedar stands provide food and cover for insects, birds, mammals and reptiles. Therefore, removing salt cedar is an environmental impact that requires mitigation in accordance with the CWA Section 404 permit. Replacing the removed salt cedar community with vegetation that is more hydraulically efficient and ecologically diverse would be appropriate and beneficial mitigation. Thus, the purpose of the El Rio Educational Research and Development Project (Project) is to establish effective techniques to replace salt cedar with vegetation that improves flood conveyance and biological diversity within the Gila River. The Project's results will help the District with its federal and state permits for other flood control projects identified in the El Rio Study. The Project has ancillary benefits including passive recreation and educational opportunities pertaining to floodplain management, river mechanics, and plant, wildlife, and river ecology. Resolution FCD 2005R002 was adopted by the Board on April 20, 2005 (C-69-05-103-6-00) for entering into Cooperative Agreements with Reclamation. The Project is to be funded as a cost-share project between Reclamation and the District. Reclamation will fund a portion of the construction and the design. The District will fund the planning, design, monitoring, and a portion of the construction of the project. Nearly all of the District's planning and design tasks and costs coincided with the planning efforts and costs of the El Rio WCMP. The modification reflects an increase of Reclamations direct project contribution from \$202,526

to \$237,526, which will be transferred to the District for the project construction. The District's direct project cost for FY 2008-09 is estimated to be \$100,000. (C-69-05-132-3-03)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-7. AGREEMENT WITH MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT FOR CONCESSION SITE**

Approve Agreement 2008G002, for Non-Disturbance and Attornment, Agreement between Maricopa County, acting through its Parks and Recreation Department, and the Flood Control District of Maricopa County.

The County and District entered into a Joint Use Agreement (#81001) dated September 8, 1981, as amended by Amendment No. 1 (CS 931287) dated June 29, 1993, Amendment No. 2 (C-69-99-091-1-00) dated May 19, 1999, and Amendment No. 3 (C-69-99-091-0-01) dated June 7, 2006. Pursuant to authority granted to the County in the Joint Use Agreement, the County desires to enter into a Use Management Agreement in favor of Concessionaire (the "Use Agreement"), with a primary term of 25 years (beginning October 1, 2008 through September 30, 2033) and a renewal option for an additional 25 years providing, among other matters, for the construction, development and operation of a multi-phase waterpark and recreational facility on a parcel of land covered by the Joint Use Agreement containing approximately 57 acres. To induce Concessionaire to enter into the Use Agreement and undertake the investments contemplated therein, the District has agreed not to disturb the rights of Concessionaire under the Use Agreement so long as Concessionaire is in compliance with its obligations thereunder, except as provided in Section 4 of this Agreement. A corresponding agenda item is found under Parks and Recreation under item C-30-09-005-3-00. (C-69-09-007-8-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-8. CHANGE ORDER FOR CONTRACT WITH AMES CONSTRUCTION, INC. - WHITE TANKS FLOOD RETARDING STRUCTURE REMEDIATION**

Approve Change Order No. 16, in the amount of \$658,921.25 to Flood Control District of Maricopa County (District) Contract FCD 2004C017 – White Tanks Flood Retarding Structure (FRS) No. 3 Remediation Phase 1 (Project [#4701]), with Ames Construction, Inc. (Contractor). Change Order No. 16 is the final close-out change for this contract and is required to address compensating the Contractor for the final agreed quantity of Soil Cement installed and the associated increase in imported aggregate; for an agreed split of the excessive quality control costs; for additional Time and Materials charges for silt fence installation and repair; for the balancing of the final bid quantity overrun and under-run; and for a thirty day extension of the contract time to September 20, 2008.

On November 17, 2004 (Agenda C-69-05-064-5-00), the Board authorized the District to issue an Invitation for Bids (IFB) and award a contract for the Project to the lowest responsible bidder, if the bid is not more than 10% greater than the engineer's estimate. The District issued the authorized IFB and received bids on September 20, 2005 from two bidders. Ames Construction, Inc. (Contractor) submitted the lowest responsible bid in the amount of \$9,498,370.00 and the consulting engineer's estimate was \$9,480,527.41. The Project contract was executed by the Chairman of the Board and Clerk of the Board on

October 18, 2005. The Contractor was to complete the contract by August 29, 2006 (i.e. 315 calendar days). Since execution of the contract, a total of sixteen (16) change orders (including the proposed No. 16) have been initiated which have increased the total contract amount from \$9,498,370.00 to \$14,003,386.14, an increase of \$4,505,016.14 (+47.43%) and extending the contract completion by 753 days to September 20, 2008. (C-69-09-009-5-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**F-9. JOINT RESOLUTION AMENDING THE ONE STOP SHOP PROGRAM**

Authorize the Board of Directors of the Flood Control District (Board) to approve an amended joint resolution between the Maricopa County Board of Supervisors and the Flood Control District of Maricopa County regarding the Maricopa County One Stop Shop Program. The amended resolution updates authorities, includes additional departments and programs and restates the mission and responsibilities related to the One Stop Shop Program. The original joint resolution was adopted by both Boards on April 21, 1999 under C#3299028.

The revised mission of the Maricopa County One Stop Shop Program shall be to coordinate and integrate the application and review process from previous enumerated clearances, permits or approvals from Maricopa County Planning and Development Department, Maricopa County Department of Transportation, Maricopa County Assessor's Office, Maricopa County Environmental Services Department, Maricopa County Air Quality Department and the Flood Control District of Maricopa County so as to minimize duplication of effort and cost on the part of applicants, and likewise promote the efficiency of the review process. The Maricopa County Board of Supervisors and the Board of Directors of the Flood Control District of Maricopa County may from time to time designate additional agencies, departments, and districts to participate in the One-Stop Shop Program. Specifically, information is to be shared to the extent practicable among the various agencies, departments, and districts. Planning and Development Department, as lead agency shall have overall authority to coordinate, facilitate and provide oversight to the Maricopa County One Stop Shop Program. Specifically, the Director of the Planning and Development Department, or his/her designee shall have the responsibility to grant final approval for issuance of a Final Permit Clearance. A corresponding agenda item is found under the Board of Supervisors Formal Agenda under item C-88-08-012-2-00. (Supervisory Districts 1, 2, 3, 4, and 5) (C-69-09-003-6-00)

Motion to approve by: Director Brock, Seconded by: Director Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Andrew Kunasek, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board